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RUEHZL/EUROPEAN POLITICAL COLLECTIVE
RUEHAT/AMCONSUL AMSTERDAM 1618

UNCLAS SECTION 01 OF 05 THE HAGUE 002277

SIPDIS

JUSTICE FOR OIA-JFRIEDMAN
JUSTICE FOR ANDREW BEACH, THERESA PAGLIOCCA

SENSITIVE

SIPDIS

E.O. 12958: N/A
TAGS: [OVIP](#) [PTER](#) [SNAR](#) [PREL](#) [PGOV](#) [KJUS](#) [PINR](#) [NL](#)
SUBJECT: SCENESETTER FOR ATT...

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SUBJECT: SCENESETTER FOR ATTORNEY GENERAL GONZALES VISIT TO
THE NETHERLANDS, OCTOBER 25-27, 2006

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1. (SBU) We warmly welcome your visit to the Netherlands, the first by an Attorney General since Attorney General Aschroft visited in September 2004. There are four important issues where you can advance our law enforcement agenda: (1) Establish a strong working relationship with new Minister of Justice Ernst Hirsch Ballin; (2) Launch a new bilateral dialogue on cyber crime, a major issue for both us and the Dutch; (3) Review with Eurojust the new relationship we will have as a result of our recently negotiated MOU; and (4) Engage in robust press outreach that emphasizes our common goals and answers our many critics here. Accordingly, your schedule is built around a working lunch with Minister Hirsch Ballin, meetings with Interior Minister Remkes and Eurojust president Kennedy, and your welcoming address to the cyber crime conference. We have also scheduled a press conference, a television interview and a one-on-one interview with the best weekly magazine in the Netherlands.

Overview

2. (SBU) Dutch Parliamentary elections will be held on November 22. The race appears to be a dead heat between Prime Minister Jan Peter Balkenende's center-right coalition and the left-of-center Labor party. Balkenende came to power in 2001, but his government collapsed in August over a dispute regarding Dutch Parliamentarian Aayan Hirsi Ali's asylum application. The Somali-born politician - a vocal critic of extreme Islam - is now in the United States with the American Enterprise Institute. How to provide her adequate protection in Washington is the subject of continuing discussions between us and the Dutch, and the issue may come up during your visit as Hirsch Ballin is the key Dutch decision maker on this issue.

13. (U) Aside from the elections, the most significant news here is the Dutch economy, which has come to life in recent months. Current projections show the economy growing at a rate of nearly 3 percent with unemployment falling below 5.5 percent. The economy is outperforming Eurozone averages for the first time in seven years.

14. (SBU) Our relations with the Dutch are excellent, aside from Guantanamo and negative public opinion of Iraq and other policies. The Dutch are strong allies in the Global War on Terrorism, and currently have nearly 2,000 troops deployed in the heart of southern Afghanistan, where the Taliban are seeking to make a comeback. A Dutch contingent also served in the early stages of the Iraq war. Although they do not approve of our policies at Guantanamo, they are one of the few European countries engaging in serious dialogue on the issue with us. Commercial relations are strong, with heavy U.S. investment in the Netherlands and heavy Dutch investment in the United States. In your meetings and public remarks it will be important to emphasize the breadth of our cooperation and how much we value the Netherlands as a partner.

15. (SBU) Law enforcement cooperation is good and getting better. While Dutch and EU data protection (privacy) rules and bureaucratic restrictions continue to hamper some direct police-to-police cooperation and information sharing, we have made significant progress in the last two years to advance our law enforcement priorities with the Dutch. We expect interim Justice Minister Hirsch Ballin to continue former Minister Piet Hein Donner's pro-cooperation approach with us.

Law Enforcement Presence

16. (SBU) Our law enforcement presence here has tripled since 9/11 and now constitutes a strong platform for our extensive law enforcement and counter-terrorism agenda with the Dutch, and for our nascent relationship with EUROPOL and Eurojust. Four U.S. law enforcement agencies operate from the Embassy, and represent 10 percent of the entire mission staff.

-- DEA: The six-person office focuses on cocaine and ecstasy trafficking and works closely with the Dutch and other DEA offices in Europe and South America. The Dutch are facilitating information sharing and allowing some controlled delivery operations for the first time. The DEA office here is tied with Madrid as the largest in Western

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Europe.

-- FBI: The bureau is represented by a Special Agent who was permanently assigned to The Hague in October 2005. Since his arrival, there has been a dramatic increase in the level of cooperation between Dutch national police (KLPD) and intelligence service (AIVD) on information and intelligence sharing, cooperation on international investigations, and the initiation of joint investigations. The Dutch have requested FBI assistance in cases ranging from the Hofstad Group (a home-grown terrorist cell) to the Natalee Holloway disappearance in Aruba. The Legatt has direct access to the KLPD's counterterrorism unit, allowing him to be involved in all criminal counter-terrorism investigations. Counter-terrorism and cyber crime are the two largest parts of FBI's portfolio here.

-- DHS: Homeland Security is the largest U.S. law enforcement agency in the Netherlands. DHS officers are stationed at the Port of Rotterdam and Schiphol Airport to scan cargo and check passengers destined for the United States. DHS has 14 staff in the Netherlands, with plans to add at least two more in the coming year. The DHS office covers Belgium and Luxembourg in addition to the Netherlands.

-- Secret Service: The service has one special agent stationed at EUROPOL with a primary focus on counterfeit currency. His relations with EUROPOL colleagues are excellent. The office was established in 2005.

-- The Alcohol, Tobacco, Firearms and Explosives Agency is planning to assign an officer here starting in FY 2007. The Postal Inspection Service has also expressed interest in establishing a presence here.

Counter Terrorism

17. (SBU) The Dutch have strengthened their counter-terrorism capabilities since 9/11 in three significant ways. First, they passed tough new legislation that provided new counter-

terrorism tools for police and prosecutors, increased penalties for crimes committed with "terrorist intent," made conspiracy to commit a terrorist offense a crime, and criminalized financial support for banned terrorist organizations on UN and EU asset freeze lists. As of January 1, 2005, every person over the age of 14 in the Netherlands is obligated to carry valid identification and the police can demand that identification at any time. More recent legislation has given prosecutors the ability to introduce classified material and sources into court proceedings, and expanded the ability of law enforcement agencies to share data. The conviction of nine members of the Hofstad group in March marked the first successful prosecution in the Netherlands for membership in a terrorist organization, under 2004 legislation making such membership a criminal offence.

18. (SBU) As with us, new terrorism laws have been accompanied by increased attention to immigration. Backlash about a growing immigrant population helped bring Balkenende to power in 2001. New immigration laws are very strict and include a requirement for immigrant visa applicants to pass an exam on Dutch history and culture and to learn Dutch. The exam was so difficult that many Dutch natives failed the exam. As a result of these strict laws, immigration is significantly down. The number of foreign marriage partners and children immigrating to the Netherlands has fallen by 50 percent over the past two years.

19. (SBU) Second, the Dutch created a new agency specifically charged with coordinating counter-terrorism policy: The Office of the National Counter Terrorism Coordinator (NCTB) reports jointly to Hirsch Ballin and Remkes. It became operational in January 2005 and is mandated with coordinating counter-terrorism efforts, including facilitating cooperation among the police, intelligence and prosecution services. Like all new government agencies, the NCTB suffers from unclear lines of authority. The CT Coordinator, Tjibbe Joustra, reports to both the Justice Minister, the designated coordinating minister for counterterrorism, and the Interior Minister, who oversees the police and the AIVD domestic intelligence service. The

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merger of the Justice and Interior ministries into one "super ministry" for security was proposed in 2005, but consideration of the idea has been deferred until the new government takes office. In addition to creating the NCTB the Dutch have significantly expanded their military and civilian intelligence bureaus.

10. (SBU) Third, the Dutch have greatly expanded cooperation with the United States, Britain and others. They have been strong partners with us on border security initiatives, and were the first in Europe to host DHS's Container Security Initiative (CSI) and the Immigration Advisory Program. Schiphol Airport was willing to share passenger data with us, even in the face of EU criticism. The Port of Rotterdam was also criticized by the EU for being the first to adopt CSI; other European ports claimed it was an unfair trade advantage.

11. (SBU) The government's quarterly terrorist threat assessment released October 16 maintained the threat level at "substantial," the second highest of four threat levels. Substantial is defined as a "realistic threat of an attack" in the Netherlands or on Dutch interests abroad. The report highlights continuing concern about radicalization among the Dutch Muslim population as a factor in the assessment. The Muslim community in the Netherlands is the second largest in Europe as a percentage of the population (5.8 percent), and is one of the least well integrated in Europe.

Counter Narcotics

12. (SBU) We have made significant strides in counter narcotics cooperation with the Dutch. DEA has successfully co-located special agents in two KLDP National Crime Squad (NR) units, dealing with cocaine and synthetic drug investigations. Co-location has greatly enhanced effective cooperation, in particular police-to-police intelligence sharing, and has helped to link Dutch drug investigations to major ongoing DEA international operations. Since 2005, DEA has been able to conduct controlled delivery (CD) operations without a formal MLAT request.

13. (SBU) Our main concern over the past five years has been stemming the flood of ecstasy from the Netherlands to the United States. Through combined efforts by DEA and Dutch authorities, the number of ecstasy tablets seized in the United States that could be traced to the Netherlands

dropped from over 5 million a year in the early 2000s to roughly 200,000 in 2004. Dutch efforts against ecstasy were commended by President Bush in the 2006 International Narcotics Control Strategy Report (INCSR). Cooperation against synthetic drug trafficking will likely remain our top focus in the foreseeable future.

14. (SBU) Police-to-police sharing goes both ways with the Dutch. As a result of the October 2004 MOU between the KLDP and the El Paso Intelligence Center (EPIC), the KLDP can now run intelligence checks through the EPIC Watch Center 24 hours a day; the KLPD is the only European police agency with such access. EPIC access has helped foster closer police-to-police intelligence sharing. For example, the Dutch have agreed to share names on the "blacklist" of drug couriers arrested at Schiphol airport; as a result, over 6,000 drug couriers have been entered into DEA databases. Since May 2005, the Dutch have participated in DEA's International Drug Enforcement Conference (IDEC) as observers; they will become a full IDEC member at the next conference in Madrid in May 2007.

Cyber Crime -----

15. (U) The bilateral cyber crime conference that you will open with Hirsch Ballin and the Ambasadior on October 26 will bring together 40 U.S. and Dutch policy-makers, prosecutors and police for in-depth discussions on effective approaches to combating cyber crime. In addition to detailed discussions of mechanisms for effective cooperation on cyber crime, the conference will include sessions on combating use of the Internet for child pornography, terrorism and radicalization, and scams and frauds. U.S. delegates include DOJ prosecutors, cyber crime and international affairs experts, and FBI, Secret Service, and DHS officials.

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16. (U) Long the gateway to Europe via sea and air, the Netherlands is quickly becoming a digital gateway as well. It now tops the world in broadband internet penetration, along with South Korea. Because of the high connectivity of the country, the Dutch allocate substantial energy to combating child pornography, internet radicalization and on-line scams and frauds. The National Prosecutor just released a four-year strategy that identifies cyber crime as one of his four priority law enforcement areas. The FBI Legatt spends nearly half his time working on cyber crime cases. The national police are forming a new high tech crime squad to investigate complex cyber crime cases. Dutch prosecutors uncovered and are in the process of prosecuting one of the largest hacking cases to date. Cases like these will be discussed during the conference and help both countries develop a better understanding of what is required to combat cyber crime.

Extraditions -----

17. (SBU) We have an active extradition portfolio with the Dutch that generally runs smoothly, although sometimes slowly. Extraditions cover a wide array of crimes, many drug-related. So far this year, 8 suspects have been extradited. Two high-profile cases merit your attention, the first involving a terror suspect, the second involving a well-known Dutch business executive whom we have indicted on corruption charges.

18. (SBU) The terror case concerns Iraqi-born Dutch citizen Wesam Al Delaema. Al Delaema is the first individual to be indicted in a U.S. criminal case for terrorist activities -- conspiracy to kill U.S. citizens and bomb U.S. property -- in Iraq. On October 11, Justice Minister Hirsch Ballin approved the extradition to the U.S. of Al Delaema. In the extradition order, the Minister strongly refuted allegations by the defense and some opposition parliamentarians that, as a terror suspect, Al Delaema would not get a fair trial in the U.S. Specifically, the Minister indicated he saw no reason "not to trust the U.S." to meet its commitments. Al Delaema's attorney has filed a request for an injunction against the extradition order. We expect the Court to reject the request; resolution of the case will likely take two to three months, after which Al Delaema can be extradited.

19. (SBU) The well-connected Dutch business executive, Frederik Plumiers, was indicted in the U.S. on Foreign Corrupt Practices Act violations. Although the Dutch Supreme Court in 2003 cleared the way for his extradition, the government has not taken any action to complete his extradition. Plumiers is wanted, in his capacity as the

director of the U.S. subsidiary of Seybolt International, in connection with bribes paid to Panamanian officials in 1995. Pluimers is very well regarded in Dutch business and political circles, however, and former Justice Minister Donner deferred action on his extradition in light of opposition from fellow Cabinet ministers. Foreign Minister Bot wrote former Deputy Secretary of State Zoellick in late 2005 to request that the USG drop its extradition request for Pluimers; following interagency consultation, Zoellick responded that we would not drop the request. There has been no further action on the case.

Detainee Issues -----

120. (SBU) The Dutch in general strongly oppose our detainee policies and Guantanamo, although we are making progress convincing them that the issues are far more complex than is often portrayed in public debates. Foreign Minister Bot has called for the closure of Guantanamo, insisting detainees there are in a legal black hole. He has also condemned the use of secret prisons. In response to parliamentary demands, he called at the EU Foreign Ministers meeting in September for a resolution condemning the secret sites. He has offered Dutch assistance in developing a detainee policy that satisfies international legal norms as the Dutch see them. State Department Legal Advisor John Bellinger visited the Netherlands October 10-12 to discuss detainee policy, the recently-passed Military Commissions Act, U.S. interpretations of our obligations under international law, and the future of secret detention facilities. Justice

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Minister Hirsch Ballin met with Bellinger and displayed an appreciation for the challenges we face, and may raise the issue during your meeting with him.

Your Meeting with Justice Minister Hirsch Ballin -----

121. (U) Ernst Hirsch Ballin took office September 21, following the resignation of Piet Hein Donner as Justice Minister over charges that he was negligent in not preventing a 2005 fire at a Schipol Airport detention center that killed several illegal immigrants. Hirsch Ballin served previously as Justice Minister from 1989 to 1994. He is a distinguished law professor with a background in international law. Your working lunch with him provides an opportunity to establish ties with the new Minister and to express appreciation for improved bilateral law enforcement cooperation. It would also be useful to thank him for the strong affirmation of trust in the U.S. justice system he presented in the Al Delaema extradition order, and to press him to move expeditiously on it once appeals are exhausted. You should also thank him for Dutch efforts to combat the ecstasy trade.

Your Meeting with Interior Minister Remkes -----

122. (U) Interior Minister Remkes is responsible for crisis management and oversees the police and the domestic intelligence service. His role in setting law enforcement and counter terrorism policy is limited. Your meeting offers an opportunity to express appreciation for the improved direct police-to-police cooperation in combating terrorism, narcotics and organized crime.

Your Meeting with Eurojust President Kennedy -----

123. (U) Your meeting with Eurojust President Michael Kennedy offers an opportunity to inaugurate a new relationship between the DOJ and Eurojust. That relationship will be formally initiated during the November signing of a working agreement between MOJ and Eurojust. You can use your meeting to focus on how best to utilize the new relationship and how to focus on critical enforcement areas. This is also an opportunity to look forward to cooperation on implementing the Council of Europe cyber crime convention.

Press -----

124. (U) We are working to arrange a press roundtable, a television interview, and a longer human-interest interview with a journalist from the Netherlands's most influential weekly newsmagazine. We are working to arrange a press pool to cover your and Dutch Minister of Justice's opening remarks at the conference. The Dutch media will be interested to learn about the outcomes of your meetings. This is a good opportunity to highlight bilateral law enforcement cooperation and commend progress made thus far.

Journalists will also be interested in hearing about our War on Terror. The Dutch press is generally fair in its reporting and your visit should produce some great coverage that will help spread our messages to a broad audience.